

20107876D

SENATE BILL NO. 758

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Transportation
on February 6, 2020)

(Patron Prior to Substitute—Senator Marsden)

A BILL to amend and reenact §§ 46.2-100, 46.2-904, 46.2-908.1, 46.2-908.1:1, 46.2-1015, and 46.2-2101 of the Code of Virginia, relating to electric personal delivery devices.

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-100, 46.2-904, 46.2-908.1, 46.2-908.1:1, 46.2-1015, and 46.2-2101 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-100. Definitions.

As used in this title, unless the context requires a different meaning:

"All-terrain vehicle" means a motor vehicle having three or more wheels that is powered by a motor and is manufactured for off-highway use. "All-terrain vehicle" does not include four-wheeled vehicles commonly known as "go-carts" that have low centers of gravity and are typically used in racing on relatively level surfaces, nor does the term include any riding lawn mower.

"Antique motor vehicle" means every motor vehicle, as defined in this section, which was actually manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than 25 years prior to January 1 of each calendar year and is owned solely as a collector's item.

"Antique trailer" means every trailer or semitrailer, as defined in this section, that was actually manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than 25 years prior to January 1 of each calendar year and is owned solely as a collector's item.

"Autocycle" means a three-wheeled motor vehicle that has a steering wheel and seating that does not require the operator to straddle or sit astride and is manufactured to comply with federal safety requirements for motorcycles. Except as otherwise provided, an autocycle shall not be deemed to be a motorcycle.

"Automobile transporter" means any tractor truck, lowboy, vehicle, or combination, including vehicles or combinations that transport motor vehicles on their power unit, designed and used exclusively for the transportation of motor vehicles or used to transport cargo or general freight on a backhaul pursuant to the provisions of 49 U.S.C. § 31111(a)(1).

"Bicycle" means a device propelled solely by human power, upon which a person may ride either on or astride a regular seat attached thereto, having two or more wheels in tandem, including children's bicycles, except a toy vehicle intended for use by young children. For purposes of Chapter 8 (§ 46.2-800 et seq.), a bicycle shall be a vehicle while operated on the highway.

"Bicycle lane" means that portion of a roadway designated by signs and/or pavement markings for the preferential use of bicycles, electric power-assisted bicycles, motorized skateboards or scooters, and mopeds.

"Business district" means the territory contiguous to a highway where 75 percent or more of the property contiguous to a highway, on either side of the highway, for a distance of 300 feet or more along the highway, is occupied by land and buildings actually in use for business purposes.

"Camping trailer" means every vehicle that has collapsible sides and contains sleeping quarters but may or may not contain bathing and cooking facilities and is designed to be drawn by a motor vehicle.

"Cancel" or "cancellation" means that the document or privilege cancelled has been annulled or terminated because of some error, defect, or ineligibility, but the cancellation is without prejudice and reapplication may be made at any time after cancellation.

"Chauffeur" means every person employed for the principal purpose of driving a motor vehicle and every person who drives a motor vehicle while in use as a public or common carrier of persons or property.

"Circular intersection" means an intersection that has an island, generally circular in design, located in the center of the intersection, where all vehicles pass to the right of the island. Circular intersections include roundabouts, rotaries, and traffic circles.

"Commission" means the State Corporation Commission.

"Commissioner" means the Commissioner of the Department of Motor Vehicles of the Commonwealth.

"Converted electric vehicle" means any motor vehicle, other than a motorcycle or autocycle, that has been modified subsequent to its manufacture to replace an internal combustion engine with an electric propulsion system. Such vehicles shall retain their original vehicle identification number, line-make, and model year. A converted electric vehicle shall not be deemed a "reconstructed vehicle" as defined in this section unless it has been materially altered from its original construction by the removal, addition, or

60 substitution of new or used essential parts other than those required for the conversion to electric
61 propulsion.

62 "Crosswalk" means that part of a roadway at an intersection included within the connections of the
63 lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the
64 absence of curbs, from the edges of the traversable roadway; or any portion of a roadway at an
65 intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the
66 surface.

67 "Decal" means a device to be attached to a license plate that validates the license plate for a
68 predetermined registration period.

69 "Department" means the Department of Motor Vehicles of the Commonwealth.

70 "Disabled parking license plate" means a license plate that displays the international symbol of access
71 in the same size as the numbers and letters on the plate and in a color that contrasts with the
72 background.

73 "Disabled veteran" means a veteran who (i) has either lost, or lost the use of, a leg, arm, or hand;
74 (ii) is blind; or (iii) is permanently and totally disabled as certified by the U.S. Department of Veterans
75 Affairs. A veteran shall be considered blind if he has a permanent impairment of both eyes to the
76 following extent: central visual acuity of 20/200 or less in the better eye, with corrective lenses, or
77 central visual acuity of more than 20/200, if there is a field defect in which the peripheral field has
78 contracted to such an extent that the widest diameter of visual field subtends an angular distance no
79 greater than 20 degrees in the better eye.

80 "Driver's license" means any license, including a commercial driver's license as defined in the
81 Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), issued under the laws of the
82 Commonwealth authorizing the operation of a motor vehicle.

83 "Electric personal assistive mobility device" means a self-balancing two-nontandem-wheeled device
84 that is designed to transport only one person and powered by an electric propulsion system that limits
85 the device's maximum speed to 15 miles per hour or less. For purposes of Chapter 8 (§ 46.2-800 et
86 seq.), an electric personal assistive mobility device shall be a vehicle when operated on a highway.

87 "Electric personal delivery device" means an electrically powered device that (i) is operated on
88 sidewalks, shared-use paths, and crosswalks and intended primarily to transport property; (ii) weighs less
89 than 50 pounds, excluding cargo; (iii) has a maximum speed of 10 miles per hour; and (iv) is equipped
90 with technology to allow for operation of the device with or without the active control or monitoring of
91 a natural person.

92 "Electric personal delivery device operator" means an entity or its agent who exercises direct physical
93 control or monitoring over the navigation system and operation of an electric personal delivery device.
94 For the purposes of this definition, "agent" means a person not less than 16 years of age charged by an
95 entity with the responsibility of navigating and operating an electric personal delivery device. "Electric
96 personal delivery device operator" does not include (i) an entity or person who requests the services of
97 an electric personal delivery device to transport property or (ii) an entity or person who only arranges
98 for and dispatches the requested services of an electric personal delivery device.

99 "Electric power-assisted bicycle" means a vehicle that travels on not more than three wheels in
100 contact with the ground and is equipped with (i) pedals that allow propulsion by human power and (ii)
101 an electric motor with an input of no more than 1,000 watts that reduces the pedal effort required of the
102 rider and ceases to provide assistance when the bicycle reaches a speed of no more than 20 miles per
103 hour. For the purposes of Chapter 8 (§ 46.2-800 et seq.), an electric power-assisted bicycle shall be a
104 vehicle when operated on a highway.

105 "Essential parts" means all integral parts and body parts, the removal, alteration, or substitution of
106 which will tend to conceal the identity of a vehicle.

107 "Farm tractor" means every motor vehicle designed and used as a farm, agricultural, or horticultural
108 implement for drawing plows, mowing machines, and other farm, agricultural, or horticultural machinery
109 and implements, including self-propelled mowers designed and used for mowing lawns.

110 "Farm utility vehicle" means a vehicle that is powered by a motor and is designed for off-road use
111 and is used as a farm, agricultural, or horticultural service vehicle, generally having four or more
112 wheels, bench seating for the operator and a passenger, a steering wheel for control, and a cargo bed.
113 "Farm utility vehicle" does not include pickup or panel trucks, golf carts, low-speed vehicles, or riding
114 lawn mowers.

115 "Federal safety requirements" means applicable provisions of 49 U.S.C. § 30101 et seq. and all
116 administrative regulations and policies adopted pursuant thereto.

117 "Financial responsibility" means the ability to respond in damages for liability thereafter incurred
118 arising out of the ownership, maintenance, use, or operation of a motor vehicle, in the amounts provided
119 for in § 46.2-472.

120 "Foreign market vehicle" means any motor vehicle originally manufactured outside the United States,
121 which was not manufactured in accordance with 49 U.S.C. § 30101 et seq. and the policies and

regulations adopted pursuant to that Act, and for which a Virginia title or registration is sought.

"Foreign vehicle" means every motor vehicle, trailer, or semitrailer that is brought into the Commonwealth otherwise than in the ordinary course of business by or through a manufacturer or dealer and that has not been registered in the Commonwealth.

"Golf cart" means a self-propelled vehicle that is designed to transport persons playing golf and their equipment on a golf course.

"Governing body" means the board of supervisors of a county, council of a city, or council of a town, as context may require.

"Gross weight" means the aggregate weight of a vehicle or combination of vehicles and the load thereon.

"Highway" means the entire width between the boundary lines of every way or place open to the use of the public for purposes of vehicular travel in the Commonwealth, including the streets and alleys, and, for law-enforcement purposes, (i) the entire width between the boundary lines of all private roads or private streets that have been specifically designated "highways" by an ordinance adopted by the governing body of the county, city, or town in which such private roads or streets are located and (ii) the entire width between the boundary lines of every way or place used for purposes of vehicular travel on any property owned, leased, or controlled by the United States government and located in the Commonwealth.

"Intersection" means (i) the area embraced within the prolongation or connection of the lateral curblines or, if none, then the lateral boundary lines of the roadways of two highways that join one another at, or approximately at, right angles, or the area within which vehicles traveling on different highways joining at any other angle may come in conflict; (ii) where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection, in the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection; or (iii) for purposes only of authorizing installation of traffic-control devices, every crossing of a highway or street at grade by a pedestrian crosswalk.

"Lane-use control signal" means a signal face displaying indications to permit or prohibit the use of specific lanes of a roadway or to indicate the impending prohibition of such use.

"Law-enforcement officer" means any officer authorized to direct or regulate traffic or to make arrests for violations of this title or local ordinances authorized by law. For the purposes of access to law-enforcement databases regarding motor vehicle registration and ownership only, "law-enforcement officer" also includes city and county commissioners of the revenue and treasurers, together with their duly designated deputies and employees, when such officials are actually engaged in the enforcement of §§ 46.2-752, 46.2-753, and 46.2-754 and local ordinances enacted thereunder.

"License plate" means a device containing letters, numerals, or a combination of both, attached to a motor vehicle, trailer, or semitrailer to indicate that the vehicle is properly registered with the Department.

"Light" means a device for producing illumination or the illumination produced by the device.

"Low-speed vehicle" means any four-wheeled electrically powered or gas-powered vehicle, except a motor vehicle or low-speed vehicle that is used exclusively for agricultural or horticultural purposes or a golf cart, whose maximum speed is greater than 20 miles per hour but not greater than 25 miles per hour and is manufactured to comply with safety standards contained in Title 49 of the Code of Federal Regulations, § 571.500.

"Manufactured home" means a structure subject to federal regulation, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. "Manufactured home" does not include a park model recreational vehicle, which is a vehicle that is (i) designed and marketed as temporary living quarters for recreational, camping, travel, or seasonal use; (ii) not permanently affixed to real property for use as a permanent dwelling; (iii) built on a single chassis mounted on wheels; and (iv) certified by the manufacturer as complying with the American National Standards Institute (ANSI) A119.5 Park Model Recreational Vehicle Standard.

"Military surplus motor vehicle" means a multipurpose or tactical vehicle that was manufactured by or under the direction of the United States Armed Forces for off-road use and subsequently authorized for sale to civilians. "Military surplus motor vehicle" does not include specialized mobile equipment as defined in § 46.2-700, trailers, or semitrailers.

"Moped" means every vehicle that travels on not more than three wheels in contact with the ground that (i) has a seat that is no less than 24 inches in height, measured from the middle of the seat perpendicular to the ground; (ii) has a gasoline, electric, or hybrid motor that (a) displaces 50 cubic

centimeters or less or (b) has an input of 1500 watts or less; (iii) is power-driven, with or without pedals that allow propulsion by human power; and (iv) is not operated at speeds in excess of 35 miles per hour. "Moped" does not include a motorized skateboard or scooter. For purposes of this title, a moped shall be a motorcycle when operated at speeds in excess of 35 miles per hour. For purposes of Chapter 8 (§ 46.2-800 et seq.), a moped shall be a vehicle while operated on a highway.

"Motor-driven cycle" means every motorcycle that has a gasoline engine that (i) displaces less than 150 cubic centimeters; (ii) has a seat less than 24 inches in height, measured from the middle of the seat perpendicular to the ground; and (iii) has no manufacturer-issued vehicle identification number.

"Motor home" means every private motor vehicle with a normal seating capacity of not more than 10 persons, including the driver, designed primarily for use as living quarters for human beings.

"Motor vehicle" means every vehicle as defined in this section that is self-propelled or designed for self-propulsion except as otherwise provided in this title. Any structure designed, used, or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office, or commercial space shall be considered a part of a motor vehicle. Except as otherwise provided, for the purposes of this title, any device herein defined as a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motorized skateboard or scooter, ~~or~~ moped, *or personal delivery device* shall be deemed not to be a motor vehicle.

"Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground and is capable of traveling at speeds in excess of 35 miles per hour. "Motorcycle" does not include any "autocycle," "electric personal assistive mobility device," "electric power-assisted bicycle," "farm tractor," "golf cart," "moped," "motorized skateboard or scooter," "utility vehicle," or "wheelchair or wheelchair conveyance" as defined in this section.

"Motorized skateboard or scooter" means every vehicle, regardless of the number of its wheels in contact with the ground, that (i) is designed to allow an operator to sit or stand, (ii) has no manufacturer-issued vehicle identification number, (iii) is powered in whole or in part by an electric motor, (iv) weighs less than 100 pounds, and (iv) has a speed of no more than 20 miles per hour on a paved level surface when powered solely by the electric motor. "Motorized skateboard or scooter" includes vehicles with or without handlebars but does not include "electric personal assistive mobility devices."

"Nonresident" means every person who is not domiciled in the Commonwealth, except: (i) any foreign corporation that is authorized to do business in the Commonwealth by the State Corporation Commission shall be a resident of the Commonwealth for the purpose of this title; in the case of corporations incorporated in the Commonwealth but doing business outside the Commonwealth, only such principal place of business or branches located within the Commonwealth shall be dealt with as residents of the Commonwealth; (ii) a person who becomes engaged in a gainful occupation in the Commonwealth for a period exceeding 60 days shall be a resident for the purposes of this title except for the purposes of Chapter 3 (§ 46.2-300 et seq.); (iii) a person, other than (a) a nonresident student as defined in this section or (b) a person who is serving a full-time church service or proselyting mission of not more than 36 months and who is not gainfully employed, who has actually resided in the Commonwealth for a period of six months, whether employed or not, or who has registered a motor vehicle, listing an address in the Commonwealth in the application for registration, shall be deemed a resident for the purposes of this title, except for the purposes of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

"Nonresident student" means every nonresident person who is enrolled as a full-time student in an accredited institution of learning in the Commonwealth and who is not gainfully employed.

"Off-road motorcycle" means every motorcycle designed exclusively for off-road use by an individual rider with not more than two wheels in contact with the ground. Except as otherwise provided in this chapter, for the purposes of this chapter off-road motorcycles shall be deemed to be "motorcycles."

"Operation or use for rent or for hire, for the transportation of passengers, or as a property carrier for compensation," and "business of transporting persons or property" mean any owner or operator of any motor vehicle, trailer, or semitrailer operating over the highways in the Commonwealth who accepts or receives compensation for the service, directly or indirectly; but these terms do not mean a "truck lessor" as defined in this section and do not include persons or businesses that receive compensation for delivering a product that they themselves sell or produce, where a separate charge is made for delivery of the product or the cost of delivery is included in the sale price of the product, but where the person or business does not derive all or a substantial portion of its income from the transportation of persons or property except as part of a sales transaction.

"Operator" or "driver" means every person who either (i) drives or is in actual physical control of a motor vehicle on a highway or (ii) is exercising control over or steering a vehicle being towed by a motor vehicle.

"Owner" means a person who holds the legal title to a vehicle; however, if a vehicle is the subject of an agreement for its conditional sale or lease with the right of purchase on performance of the

conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be the owner for the purpose of this title. In all such instances when the rent paid by the lessee includes charges for services of any nature or when the lease does not provide that title shall pass to the lessee on payment of the rent stipulated, the lessor shall be regarded as the owner of the vehicle, and the vehicle shall be subject to such requirements of this title as are applicable to vehicles operated for compensation. A "truck lessor" as defined in this section shall be regarded as the owner, and his vehicles shall be subject to such requirements of this title as are applicable to vehicles of private carriers.

"Passenger car" means every motor vehicle other than a motorcycle or autocycle designed and used primarily for the transportation of no more than 10 persons, including the driver.

"Payment device" means any credit card as defined in 15 U.S.C. § 1602 (k) or any "accepted card or other means of access" set forth in 15 U.S.C. § 1693a (1). For the purposes of this title, this definition shall also include a card that enables a person to pay for transactions through the use of value stored on the card itself.

"Personal delivery device" means a powered device operated primarily on sidewalks and crosswalks and intended primarily for the transport of property on public rights-of-way that does not exceed 200 pounds, excluding cargo, and is capable of navigating with or without the active control or monitoring of a natural person. Notwithstanding any other provision of law, a personal delivery device shall not be considered a motor vehicle or a vehicle.

"Personal delivery device operator" means an entity or its agent that exercises direct physical control or monitoring over the navigation system and operation of a personal delivery device. For the purposes of this definition, "agent" means a person not less than 16 years of age charged by an entity with the responsibility of navigating and operating a personal delivery device. "Personal delivery device operator" does not include (i) an entity or person who requests the services of a personal delivery device to transport property or (ii) an entity or person who only arranges for and dispatches the requested services of a personal delivery device.

"Pickup or panel truck" means (i) every motor vehicle designed for the transportation of property and having a registered gross weight of 7,500 pounds or less or (ii) every motor vehicle registered for personal use, designed to transport property on its own structure independent of any other vehicle, and having a registered gross weight in excess of 7,500 pounds but not in excess of 10,000 pounds.

"Private road or driveway" means every way in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

"Reconstructed vehicle" means every vehicle of a type required to be registered under this title materially altered from its original construction by the removal, addition, or substitution of new or used essential parts. Such vehicles, at the discretion of the Department, shall retain their original vehicle identification number, line-make, and model year. Except as otherwise provided in this title, this definition shall not include a "converted electric vehicle" as defined in this section.

"Replica vehicle" means every vehicle of a type required to be registered under this title not fully constructed by a licensed manufacturer but either constructed or assembled from components. Such components may be from a single vehicle, multiple vehicles, a kit, parts, or fabricated components. The kit may be made up of "major components" as defined in § 46.2-1600, a full body, or a full chassis, or a combination of these parts. The vehicle shall resemble a vehicle of distinctive name, line-make, model, or type as produced by a licensed manufacturer or manufacturer no longer in business and is not a reconstructed or specially constructed vehicle as herein defined.

"Residence district" means the territory contiguous to a highway, not comprising a business district, where 75 percent or more of the property abutting such highway, on either side of the highway, for a distance of 300 feet or more along the highway consists of land improved for dwelling purposes, or is occupied by dwellings, or consists of land or buildings in use for business purposes, or consists of territory zoned residential or territory in residential subdivisions created under Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2.

"Revoke" or "revocation" means that the document or privilege revoked is not subject to renewal or restoration except through reapplication after the expiration of the period of revocation.

"Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder. A highway may include two or more roadways if divided by a physical barrier or barriers or an unpaved area.

"Safety zone" means the area officially set apart within a roadway for the exclusive use of pedestrians and that is protected or is so marked or indicated by plainly visible signs.

"School bus" means any motor vehicle, other than a station wagon, automobile, truck, or commercial bus, which is: (i) designed and used primarily for the transportation of pupils to and from public, private or religious schools, or used for the transportation of the mentally or physically handicapped to and

306 from a sheltered workshop; (ii) painted yellow and bears the words "School Bus" in black letters of a
307 specified size on front and rear; and (iii) is equipped with warning devices prescribed in § 46.2-1090. A
308 yellow school bus may have a white roof provided such vehicle is painted in accordance with
309 regulations promulgated by the Department of Education.

310 "Semitrailer" means every vehicle of the trailer type so designed and used in conjunction with a
311 motor vehicle that some part of its own weight and that of its own load rests on or is carried by another
312 vehicle.

313 "Shared-use path" means a bikeway that is physically separated from motorized vehicular traffic by
314 an open space or barrier and is located either within the highway right-of-way or within a separate
315 right-of-way. Shared-use paths may also be used by pedestrians, skaters, users of wheel chairs or wheel
316 chair conveyances, joggers, and other nonmotorized users and electric personal delivery devices.

317 "Shoulder" means that part of a highway between the portion regularly traveled by vehicular traffic
318 and the lateral curbline or ditch.

319 "Sidewalk" means the portion of a street between the curb lines, or the lateral lines of a roadway,
320 and the adjacent property lines, intended for use by pedestrians.

321 "Snowmobile" means a self-propelled vehicle designed to travel on snow or ice, steered by skis or
322 runners, and supported in whole or in part by one or more skis, belts, or cleats.

323 "Special construction and forestry equipment" means any vehicle which is designed primarily for
324 highway construction, highway maintenance, earth moving, timber harvesting or other construction or
325 forestry work and which is not designed for the transportation of persons or property on a public
326 highway.

327 "Specially constructed vehicle" means any vehicle that was not originally constructed under a
328 distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not a
329 reconstructed vehicle as herein defined.

330 "Stinger-steered automobile or watercraft transporter" means an automobile or watercraft transporter
331 configured as a semitrailer combination wherein the fifth wheel is located on a drop frame behind and
332 below the rearmost axle of the power unit.

333 "Superintendent" means the Superintendent of the Department of State Police of the Commonwealth.

334 "Suspend" or "suspension" means that the document or privilege suspended has been temporarily
335 withdrawn, but may be reinstated following the period of suspension unless it has expired prior to the
336 end of the period of suspension.

337 "Tow truck" means a motor vehicle for hire (i) designed to lift, pull, or carry another vehicle by
338 means of a hoist or other mechanical apparatus and (ii) having a manufacturer's gross vehicle weight
339 rating of at least 10,000 pounds. "Tow truck" also includes vehicles designed with a ramp on wheels
340 and a hydraulic lift with a capacity to haul or tow another vehicle, commonly referred to as "rollback."
341 "Tow truck" does not include any "automobile or watercraft transporter," "stinger-steered automobile or
342 watercraft transporter," or "tractor truck" as those terms are defined in this section.

343 "Towing and recovery operator" means a person engaged in the business of (i) removing disabled
344 vehicles, parts of vehicles, their cargoes, and other objects to facilities for repair or safekeeping and (ii)
345 restoring to the highway or other location where they either can be operated or removed to other
346 locations for repair or safekeeping vehicles that have come to rest in places where they cannot be
347 operated.

348 "Toy vehicle" means any motorized or propellant-driven device that has no manufacturer-issued
349 vehicle identification number that is designed or used to carry any person or persons, on any number of
350 wheels, bearings, glides, blades, runners, or a cushion of air. "Toy vehicle" does not include electric
351 personal assistive mobility devices, electric power-assisted bicycles, mopeds, motorized skateboards or
352 scooters, or motorcycles, nor does it include any nonmotorized or nonpropellant-driven devices such as
353 bicycles, roller skates, or skateboards.

354 "Tractor truck" means every motor vehicle designed and used primarily for drawing other vehicles
355 and not so constructed as to carry a load other than a part of the load and weight of the vehicle attached
356 thereto.

357 "Traffic control device" means a sign, signal, marking, or other device used to regulate, warn, or
358 guide traffic placed on, over, or adjacent to a street, highway, private road open to public travel,
359 pedestrian facility, or shared-use path by authority of a public agency or official having jurisdiction, or
360 in the case of a private road open to public travel, by authority of the private owner or private official
361 having jurisdiction.

362 "Traffic infraction" means a violation of law punishable as provided in § 46.2-113, which is neither a
363 felony nor a misdemeanor.

364 "Traffic lane" or "lane" means that portion of a roadway designed or designated to accommodate the
365 forward movement of a single line of vehicles.

366 "Trailer" means every vehicle without motive power designed for carrying property or passengers
367 wholly on its own structure and for being drawn by a motor vehicle, including manufactured homes.

"Truck" means every motor vehicle designed to transport property on its own structure independent of any other vehicle and having a registered gross weight in excess of 7,500 pounds. "Truck" does not include any pickup or panel truck.

"Truck lessor" means a person who holds the legal title to any motor vehicle, trailer, or semitrailer that is the subject of a bona fide written lease for a term of one year or more to another person, provided that: (i) neither the lessor nor the lessee is a common carrier by motor vehicle or restricted common carrier by motor vehicle or contract carrier by motor vehicle as defined in § 46.2-2000; (ii) the leased motor vehicle, trailer, or semitrailer is used exclusively for the transportation of property of the lessee; (iii) the lessor is not employed in any capacity by the lessee; (iv) the operator of the leased motor vehicle is a bona fide employee of the lessee and is not employed in any capacity by the lessor; and (v) a true copy of the lease, verified by affidavit of the lessor, is filed with the Commissioner.

"Utility vehicle" means a motor vehicle that is (i) designed for off-road use, (ii) powered by a motor, and (iii) used for general maintenance, security, agricultural, or horticultural purposes. "Utility vehicle" does not include riding lawn mowers.

"Vehicle" means every device in, on or by which any person or property is or may be transported or drawn on a highway, except electric personal delivery devices and devices moved by human power or used exclusively on stationary rails or tracks. For the purposes of Chapter 8 (§ 46.2-800 et seq.), bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, motorized skateboards or scooters, and mopeds shall be vehicles while operated on a highway.

"Watercraft transporter" means any tractor truck, lowboy, vehicle, or combination, including vehicles or combinations that transport watercraft on their power unit, designed and used exclusively for the transportation of watercraft.

"Wheel chair or wheel chair conveyance" means a chair or seat equipped with wheels, typically used to provide mobility for persons who, by reason of physical disability, are otherwise unable to move about as pedestrians. "Wheel chair or wheel chair conveyance" includes both three-wheeled and four-wheeled devices. So long as it is operated only as provided in § 46.2-677, a self-propelled wheel chair or self-propelled wheel chair conveyance shall not be considered a motor vehicle.

§ 46.2-904. Use of roller skates and skateboards on sidewalks and shared-use paths; operation of bicycles and certain motorized and electric items and devices on sidewalks, crosswalks, and shared-use paths; local ordinances.

The governing body of any county, city, or town may by ordinance prohibit the use of roller skates, skateboards, and electric personal delivery devices, and/or the riding of bicycles, electric personal assistive mobility devices, motorized skateboards or scooters, motor-driven cycles, or electric power-assisted bicycles on designated sidewalks or crosswalks, including those of any church, school, recreational facility, or any business property open to the public where such activity is prohibited. Signs indicating such prohibition shall be posted in general areas where use of roller skates, skateboards, and electric personal delivery devices, and/or bicycle, electric personal assistive mobility devices, motorized skateboards or scooters, motor-driven cycles, or electric power-assisted bicycle riding is prohibited. ~~Unless otherwise prohibited, electric personal delivery devices may be operated on the sidewalks and shared-use paths and across the roadway on a crosswalk of any locality of the Commonwealth.~~

A person riding a bicycle, electric personal assistive mobility device, motorized skateboard or scooter, motor-driven cycle, or electric power-assisted bicycle on a sidewalk or shared-use path or across a roadway on a crosswalk shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing any pedestrian. ~~An electric personal delivery device operated on a sidewalk or shared-use path or across a roadway on a crosswalk shall yield the right-of-way to any pedestrian.~~

No person shall ride a bicycle, electric personal assistive mobility device, motorized skateboard or scooter, motor-driven cycle, or electric power-assisted bicycle or operate ~~an electric~~ a personal delivery device on a sidewalk, or across a roadway on a crosswalk, where such use of bicycles, electric personal assistive mobility devices, ~~electric~~ personal delivery devices, motorized skateboards or scooters, motor-driven cycles, or electric power-assisted bicycles is prohibited by official traffic control devices. No person shall park a bicycle, electric power-assisted bicycle, or motorized skateboard or scooter in a manner that impedes the normal movement of pedestrian or other traffic or where such parking is prohibited by official traffic control devices.

A person riding a bicycle, electric personal assistive mobility device, motorized skateboard or scooter, motor-driven cycle, or electric power-assisted bicycle on a sidewalk or shared-use path or across a roadway on a crosswalk shall have all the rights and duties of a pedestrian under the same circumstances. ~~An electric~~ A personal delivery device operated on a sidewalk or shared-use path or across a roadway on a crosswalk shall have all the rights and duties of a pedestrian under the same circumstances.

Except as otherwise expressly provided, the governing body of a county, city, or town may not enact

429 *or enforce any ordinance or resolution related to (i) the design, manufacture, maintenance, licensing,*
430 *registration, taxation, assessment or other charges, certification, or insurance of a personal delivery*
431 *device or (ii) the types of property that may be transported by a personal delivery device.*

432 A violation of any ordinance adopted pursuant to this section or any provision of this section shall be
433 punishable by a civil penalty of not more than \$50.

434 **§ 46.2-908.1. Electric personal assistive mobility devices, electrically powered toy vehicles,**
435 **electric power-assisted bicycles, and motorized skateboards or scooters.**

436 All electric personal assistive mobility devices, ~~electric personal delivery devices,~~ electrically
437 powered toy vehicles, and electric power-assisted bicycles shall be equipped with spill-proof, sealed, or
438 gelled electrolyte batteries. No person shall at any time or at any location operate (i) an electric personal
439 assistive mobility device or an electric power-assisted bicycle at a speed faster than 25 miles per hour;
440 *or (ii) a motorized skateboard or scooter at a speed faster than 20 miles per hour; or (iii) an electric*
441 *personal delivery device at a speed faster than 10 miles per hour.* No person shall operate a skateboard
442 or scooter that would otherwise meet the definition of a motorized skateboard or scooter but is capable
443 of speeds greater than 20 miles per hour at a speed greater than 20 miles per hour. No person less than
444 14 years old shall drive any electric personal assistive mobility device, motorized skateboard or scooter,
445 or electric power-assisted bicycle unless under the immediate supervision of a person who is at least 18
446 years old.

447 An electric personal assistive mobility device may be operated on any highway with a maximum
448 speed limit of 25 miles per hour or less. An electric personal assistive mobility device shall only operate
449 on any highway authorized by this section if a sidewalk is not provided along such highway or if
450 operation of the electric personal assistive mobility device on such sidewalk is prohibited pursuant to
451 § 46.2-904. Nothing in this section shall prohibit the operation of an electric personal assistive mobility
452 device, ~~electric personal delivery device,~~ or motorized skateboard or scooter in the crosswalk of any
453 highway where the use of such crosswalk is authorized for pedestrians, bicycles, or electric
454 power-assisted bicycles.

455 Operation of electric personal assistive mobility devices, motorized skateboards or scooters,
456 electrically powered toy vehicles, bicycles, and electric power-assisted bicycles is prohibited on any
457 Interstate Highway System component except as provided by the section.

458 The Commonwealth Transportation Board may authorize the use of bicycles or motorized
459 skateboards or scooters on an Interstate Highway System Component provided the operation is limited to
460 bicycle or pedestrian facilities that are barrier separated from the roadway and automobile traffic and
461 such component meets all applicable safety requirements established by federal and state law.

462 **§ 46.2-908.1:1. Personal delivery devices.**

463 A. ~~All electric~~ A personal delivery device is authorized to operate on any sidewalk or crosswalk
464 located in any county, city, or town in the Commonwealth. If a sidewalk or crosswalk is not accessible
465 or available, a personal delivery device is authorized to operate on the side of any roadway in the
466 Commonwealth, provided that the roadway has a speed limit of 25 miles per hour or less and the
467 personal delivery device does not unreasonably interfere with motor vehicles or traffic. A locality may
468 not prohibit the use of a personal delivery device on a roadway as set forth in this subsection, but may
469 by ordinance adopt additional requirements designed to maintain safety for such roadway operation.

470 B. A personal delivery devices device shall obey:

471 1. Not block any public rights-of-way;

472 2. Obey all traffic and pedestrian control devices and signs and include a plate or marker that is in a
473 position and size to be clearly visible and identifies the name and contact information of the owner of
474 the electric personal delivery device and a unique identifying device number.

475 B- All electric personal delivery devices shall be ;

476 3. Operate at a speed that does not exceed 10 miles per hour on sidewalks and crosswalks;

477 4. Include a unique identifying device number;

478 5. Include a means of identifying the personal delivery device operator; and

479 6. Be equipped with a braking system that, when active or engaged, will enable such electric
480 personal delivery device to come to a controlled stop.

481 C. No electric personal delivery device shall transport hazardous materials, substances, or waste as
482 defined in § 10.1-1400. For the purposes of this subsection, hazardous materials includes ammunition in
483 a quantity requiring placarding by a regulation issued under the federal Hazardous Materials
484 Transportation Act (49 U.S.C. § 5101 et seq.). For purposes of this section, hazardous materials include
485 ammunition.

486 D. No electric personal delivery device shall be operated on a public highway in the Commonwealth,
487 except to the extent necessary to cross an intersection or crosswalk.

488 E. No electric personal delivery device shall operate on a sidewalk or shared-use path or across a
489 roadway on a crosswalk unless an electric personal delivery device operator is actively controlling or
490 monitoring the navigation and operation of the electric personal delivery device Subject to the

requirements of this section, a personal delivery device operating on a sidewalk or crosswalk shall have all the rights and responsibilities applicable to a pedestrian under the same circumstance.

F. A personal delivery device operator shall maintain insurance that provides general liability coverage of at least \$100,000 for damages arising from the combined operations of personal delivery devices under a personal delivery device operator's control.

G. Any entity or person who uses an electric personal delivery device to engage in criminal activity is criminally liable for such activity.

§ 46.2-1015. Lights on bicycles, electric personal assistive mobility devices, personal delivery devices, electric power-assisted bicycles, mopeds, and motorized skateboards or scooters.

A. Every bicycle, electric personal assistive mobility device, ~~electric personal delivery device~~, electric power-assisted bicycle, moped, and motorized skateboard or scooter with handlebars when in use between sunset and sunrise shall be equipped with a headlight on the front emitting a white light visible in clear weather from a distance of at least 500 feet to the front and a red reflector visible from a distance of at least 600 feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle. Such lights and reflector shall be of types approved by the Superintendent.

In addition to the foregoing provisions of this section, a bicycle or its rider may be equipped with lights or reflectors. These lights may be steady burning or blinking.

B. Every bicycle, or its rider, shall be equipped with a taillight on the rear emitting a red light plainly visible in clear weather from a distance of at least 500 feet to the rear when in use between sunset and sunrise and operating on any highway with a speed limit of 35 mph or greater. Any such taillight shall be of a type approved by the Superintendent.

C. *Every personal delivery device, when in use between sunset and sunrise, shall be equipped with a light on both the front and the rear of the personal delivery device that is visible on all sides of the personal delivery device in clear weather from a distance of at least 500 feet to the front and rear of the personal delivery device when directly in front of lawful beams of headlights on a motor vehicle.*

§ 46.2-2101. Exemptions from chapter.

The following are exempt from this chapter:

1. Motor vehicles owned and operated by the United States, District of Columbia, any state, municipality, or any other political subdivision of the Commonwealth.

2. Transportation of property between any point in this Commonwealth and any point outside this Commonwealth or between any points wholly within the limits of any city or town in the Commonwealth. This exemption shall not apply to the requirement to declare for-hire operation pursuant to § 46.2-2121.1 or the insurance requirement imposed on motor carriers pursuant to § 46.2-2143.1.

3. Motor vehicles controlled and operated by a bona fide cooperative association as defined in the Federal Marketing Act, approved June 15, 1929, as amended, or organized or existing under Article 2 (§ 13.1-312 et seq.) of Chapter 3 of Title 13.1, while used exclusively in the conduct of the business of such association. This exemption shall not apply to the requirement to declare for-hire operation pursuant to § 46.2-2121.1.

4. Motor vehicles while used exclusively in (i) carrying newspapers, water, livestock, poultry, poultry products, buttermilk, fresh milk and cream, meats, butter and cheese produced on a farm, fish (including shellfish), slate, horticultural or agricultural commodities (not including manufactured products thereof), and forest products, including lumber and staves (but not including manufactured products thereof), (ii) transporting farm supplies to a farm or farms, (iii) hauling for the Department of Transportation, (iv) carrying fertilizer to any warehouse or warehouses for subsequent distribution to a local area farm or farms, or (v) collecting and disposing of trash, garbage and other refuse. This exemption shall not apply to the requirement to declare for-hire operation pursuant to § 46.2-2121.1.

5. Motor vehicles used for transporting property by an air carrier or carrier affiliated with a direct air carrier whether or not such property has had or will have a prior or subsequent air movement. This exemption shall not apply to the requirement to declare for-hire operation pursuant to § 46.2-2121.1.

6. Motor carriers exclusively operating passenger cars, motorcycles, autocycles, mopeds, and vehicles with a gross vehicle weight rating of 10,000 pounds or less. This exemption shall not apply to the insurance requirements imposed on motor carriers pursuant to § 46.2-2143.1 or 46.2-2143.2.

7. ~~Electric personal~~ Personal delivery devices as defined in § 46.2-100.